

MINUTES OF THE REGULAR MEETING OF THE BOARD OF TRUSTEES OF THE  
VILLAGE OF QUOGUE, 7 VILLAGE LANE, QUOGUE, NEW YORK, ON FRIDAY  
MARCH 20, 2015 AT 4:00 PM.

PRESENT: Mayor Peter Sartorius, Ted Necarsulmer, Jeanette Obser, Kimberley Payne, Village Attorney Richard DePetris and Village Clerk Aimee Buhl

ABSENT: Trustee Randy Cardo

OTHERS PRESENT: Police Chief Robert Coughlan, Fire Chiefs Bruce Davidson, Chris Osborne and John Sipala, Building Inspector Bill Nowak, Daniel Offerman, Ann Janis and Alexa Gorman of the Southampton Press

The Mayor invited everyone to join him in the Pledge of Allegiance.

Upon motion made by Kimberley Payne, seconded by Ted Necarsulmer and unanimously carried, it was RESOLVED, the Minutes of Regular Meeting held on February 20, 2015 were approved.

Upon motion made by Jeanette Obser, seconded by Ted Necarsulmer and unanimously carried, the Abstract of Audited Vouchers Schedule 03-15, \$181,471.43 and Treasurer's Report for the Month ending February 28, 2015 were approved as follows:

\$ 74,606.57 Checking Account  
\$ 573,032.56 Capital Reserves  
\$5,336.674.85 Investments  
\$5,984,313.98 Total General Fund 2/28/15

The Clerk gave the report for February 2015 False Fire and Burglar Alarms as follows:

Burglar Billed: \$150; Burglar Collected: \$550  
Fire Billed: \$650; Fire Collected: \$0

Fire Chief Bruce Davidson gave the February report for the Fire Department. Police Chief Robert Coughlan gave the February report for the Police Department. Chief Building Inspector Bill Nowak gave the February report for the Building Department.

Upon motion made by Ted Necarsulmer, seconded by Kimberley Payne and unanimously carried, it was RESOLVED, the transfer of \$44,801.00 received from the Office of the Suffolk County Legislature for 2014 from the General Fund to A3120.15 (Police-Overtime), which amount represents the Sales Tax Revenue share from the County of Suffolk which is restricted for public safety use only is approved.

Upon motion made by Kimberley Payne, seconded by Jeanette Obser and unanimously carried, it was RESOLVED, an application for a special event to be held at the Village Beach on September 13, 2015 from 9 A.M until 11:30 A.M. is approved.

Upon motion made by Kimberley Payne, seconded by Ted Necarsulmer and unanimously carried, it was RESOLVED, an application for a special event to be held at the Village Beach on August 27, 2015 from 6 P.M. until 7:30 P.M. is approved.

Upon motion made by Jeanette Obser, seconded by Ted Necarsulmer and unanimously carried, it was RESOLVED, a transfer in the amount of \$600 from A1990400 Special Items-Contingent Account to A1621421 Gym Utilities/Light & Water is approved.

Upon motion made by Kimberley Payne, seconded by Ted Necarsulmer and unanimously carried, it was RESOLVED, a transfer in the amount \$2,000 from A7180490 Beach Miscellaneous Expenses to A7180411 Beach Supplies-Equipment is approved.

Upon motion made by Jeanette Obser, seconded by Ted Necarsulmer and unanimously carried, it was RESOLVED, a transfer in the amount of \$3,000 from A1990400 Special Items-Contingent Account to A1620443 Building Improvements/Maintenance is approved.

Upon motion made by Ted Necarsulmer, seconded by Kimberley Payne and unanimously carried, it was RESOLVED, a transfer in the amount of \$2,400 from A341016 Fire Department /Facility Management Personal Services to A3410443 Fire Department/Building Improvements & Maintenance is approved.

Upon motion made by Kimberley Payne, seconded by Ted Necarsulmer, and unanimously carried, it was RESOLVED, a transfer in the amount of \$900 from A1910400 Special Items/Contingent Account to A9089 Fire Service Award is approved.

Upon motion made by Jeanette Obser, seconded by Kimberley Payne and unanimously carried, it was RESOLVED, the declaration of a tractor as surplus and unneeded property and the acceptance of an offer of \$800 for the purchase thereof is approved.

Upon motion made by Jeanette Obser, seconded by Ted Necarsulmer and unanimously carried, it was RESOLVED, the refund of \$4,526.54 to Charles Lazarus for the 2011-12, 2012-13, 2013-14 and 2014-15 Village taxes as a result of a court decision reducing the Town of Southampton's 2010-11, 2011-12, 2012-13 and 2013-14 assessments is approved.

Upon motion made by Ted Necarsulmer, seconded by Kimberley Payne and unanimously carried, it was RESOLVED, the renewal of the Maintenance Service Agreement with Arenz Heating & Air Conditioning for the heating and air conditioning equipment in Village Hall (2 gas boilers, 6 condensing units) at a cost of \$1,291.50 for the term of 3/1/15 through 8/31/15 is approved.

Upon motion made by Ted Necarsulmer, seconded by Kimberley Payne and unanimously carried, it was RESOLVED, the minutes of the bid opening held on February 25, 2015 at 3:00 P.M. for the fabrication and manufacture of a Brush Truck on a Village-supplied, 5-ton military-style chassis for the use by the Quogue Fire Department, as advertised in the Southampton Press, Western Edition issue dated January 22, 2015 (see attached) is approved.

Upon motion made by Kimberley Payne, seconded by Ted Necarsulmer and unanimously carried, it was RESOLVED, the rejection of the bid of Eastern Surplus & Equipment Co. as non-conforming by reason of absence of experience manufacturing similar brush trucks, location of manufacturing facility and absence of a repair facility within 50 miles of Quogue is approved

Upon motion made by Kimberley Payne, seconded by Ted Necarsulmer and unanimously carried, it was RESOLVED, the award of the contract for the fabrication of the brush truck to

GA Chivvis Corp. with a bid of \$175,650, subject to the ability to utilize funds in the Fire Department Capital Reserve Fund is approved.

Upon motion made by Ted Necarsulmer, seconded by Jeanette Obser and unanimously carried, it was RESOLVED, the utilization of Fire Department Capital Reserve Fund for the Brush Truck fabrication and manufacture in the amount of \$175,650, subject to a permissive referendum is approved.

Upon motion made by Kimberley Payne, seconded by Ted Necarsulmer and unanimously carried, it was RESOLVED, the minutes of the bid opening held on March 16, 2015 at 3:00 P.M. for the operation of the snack bar at the Quogue Village Beach Pavilion for the 2015 summer season, as advertised in the Southampton Press, Western Edition issued dated February 12, February 19, February 26, March 5 and March 12, 2015 (see attached) are approved. The bid was awarded to JR Water Corp.

Upon motion made by Kimberley Payne, seconded by Ted Necarsulmer and unanimously carried, it was RESOLVED, the 2015-2016 tentative budget was presented to the Board of Trustees.

Upon motion made by Peter Sartorius, seconded by Ted Necarsulmer and unanimously carried, it was RESOLVED, a public hearing is scheduled at 10:00 A.M. on April 7, 2015 on the 2015-2016 tentative budget.

Upon motion made by Kimberley Payne, seconded by Jeanette Obser and unanimously carried, it was RESOLVED, the engagement letter of Satty, Levine & Ciacco, CPAs P.C. for the audit of the Village's financial statements for the year ended May 31, 2015 is approved.

Upon motion made by Ted Necarsulmer, seconded by Kimberley Payne and unanimously carried, it was RESOLVED, the engagement letter of Satty, Levine & Ciacco, CPAs, P.C. for the audit of the Justice Court's financial statements for the year ended May 31, 2015 is approved.

Upon motion made by Ted Necarsulmer, seconded by Kimberley Payne and unanimously carried, it was RESOLVED, the certification of the Quogue Fire Department delivered pursuant to Section 2.3 of the Quogue Fire Department Service Award Program of the identities of Fire Department members who achieved the required 50 service points in 2014 and qualified for an award under that Program is approved.

As recommended by Chief Coughlan and upon motion made by Peter Sartorius, seconded by Jeanette Obser and unanimously carried, it was RESOLVED, that Theodore A. Richert is appointed to the rank of Police Officer of the Quogue Village Police Department, effective April 1, 2015.

As recommended by Chief Coughlan and upon motion made by Peter Sartorius, seconded by Kimberley Payne and unanimously carried, it was RESOLVED, Daniel Hartman is hereby promoted to the rank of Sergeant of the Quogue Village Police Department, effective June 1, 2015.

Upon motion made by Kimberley Payne, seconded by Jeanette Obser and unanimously carried, it was RESOLVED, the Mayor is authorized to execute a proposed 10-year license agreement for the Quogue Wildlife Refuge property with the Southampton Township Waterfowl Association Inc. in substantially the form presented with such changes, if any, as the Mayor may approve.

The Mayor stated that A Local Law amending Chapter 196 (Zoning) Of The Village Code With Respect To The Business B-2 District was previously introduced at the Board of Trustees meeting held on Friday, January 16, 2015 at 4:00 P.M. and a Public Hearing was held at the Board of Trustees meeting held on Friday, February 20, 2015 at 4:00 P.M.

Upon motion made by Ted Necarsulmer, seconded by Kimberley Payne and unanimously carried, it was RESOLVED, that the Board of Trustees finds and determines that this local law will not have any significant adverse impact on the environment.

Upon motion made by Mayor Sartorius, it was RESOLVED, that this proposed law be enacted as Local Law 3 of 2015. The question of the adoption of the foregoing resolution was duly put to a vote on roll call which resulted as follows:

Mayor Sartorius voting aye.

Trustee Payne voting aye.

Trustee Necarsulmer voting aye.

Trustee Obser voting aye.

A Local Law Amending Chapter 196  
(Zoning) Of The Village Code With  
Respect To The Business B-2 District

Section 1. The Zoning Map (which constitutes a part of Chapter 196) is hereby amended so as to locate and place the four parcels designated on the Suffolk County Tax Map as District 902, Section 9, Block 2, Lots 1.1, 1.2, 1.3 and 1.4 and the two parcels designated on the Suffolk County Tax Map as District 902, Section 3, Block 4, Lots 70 and 82.4 (said six parcels being currently located in the Business B-2 District) in the Residence A-5 District.

Section 2. The Table of Dimensional Regulations (which constitutes a part of Chapter 196) is hereby amended so as to change the following dimensional regulations as hereinafter set forth in the Business B-2 District:

(a) the minimum lot area regulation is changed from 40,000 square feet to 20,000 square feet;

(b) the minimum lot width and minimum street frontage regulations are changed from 150 feet to 100 feet;

(c) the minimum front yard regulation for principal building (including the minimum abutting side street on corner lot regulation) and the minimum distance from street regulation for accessory buildings and structures are changed from 100 feet to 40 feet.

Section 3. The definition of “special exception use” in §196-2B is hereby amended by inserting the clause “or by the Planning Board, if so provided,” immediately after the clause “by the Board of Appeals, if so provided,”.

Section 4. §196-14B is hereby amended by adding item (5) to read as follows:

(5) A home professional office accessory use within a one-family dwelling or a home occupation accessory use within a one-family dwelling, as a special exception use, when authorized by the Planning Board, provided that the Planning Board determines that the proposed accessory use on the particular parcel for which proposed will not produce an undesirable change in the character of the neighborhood, and subject to the following provisions:

(a) In the Business B-2 District, a one-family dwelling as permitted in the Residence A-5 District is a permitted use, and various business uses are permitted uses. There is no provision which permits a mixed use building containing a one-family dwelling use and a business use as independent or principal uses. The provisions of §196-14B(5) are intended to accommodate a one-family dwelling with a home professional office accessory use therein or a home occupation accessory use therein on a parcel which is not used for any principal use other than a one-family dwelling.

(b) As used herein, the following terms shall have the indicated meanings and shall be subject to the following restrictions:

(i) A home professional office means the office of a resident physician, dentist or other person licensed by the State of New York to practice a healing art, lawyer, architect, artist, engineer, interior designer, real estate broker or salesman, insurance broker or agent, or teacher as herein restricted. For the purpose of this definition, a teacher shall be restricted to a person giving individual instruction in academic or scientific subjects to a single pupil at one time. The home professional office of a physician shall not include a biological or other medical testing laboratory. A home professional office shall not occupy more than the equivalent of 1/2 of the floor area of one floor of the dwelling.

(ii) A home occupation means any gainful occupation, other than a home professional office, that the Planning Board determines is suitable for conduct within a dwelling by the residents thereof and is clearly secondary to the residential use and that does not

change the character of the dwelling as a residence. A home occupation shall not occupy more than the equivalent of 1/2 of the floor area of one floor of the dwelling.

(iii) A home professional office or home occupation shall not employ more than two persons who are not members of the family.

(iv) A home professional office or home occupation shall not include the office or occupation of any person engaged principally in the purchase or sale of goods at the premises.

(c) The one-family dwelling shall be an owner-occupied one-family dwelling, to wit, occupied by the owner as a residence. Such accessory use shall be conducted by such owner (a resident of the dwelling) as an accessory use that is secondary and subordinate to the residential use.

(d) There shall be no change in the nature or character of the particular accessory use approved by the Planning Board without further approval from the Planning Board.

(e) The floor area of the particular accessory use as approved by the Planning Board shall not be increased without further approval from the Planning Board.

(f) Incident to granting special exception use approval, the Planning Board may impose reasonable conditions and safeguards.

(g) No sign relating to such accessory use shall be installed without approval from the Planning Board. Any sign relating to such accessory use shall be consistent with the character of the property as a one-family dwelling with such accessory use in the Business B-2 District, as determined by the Planning Board. No such sign as approved by the Planning Board shall be enlarged, extended, relocated or changed in style or character without further approval from the Planning Board.

Section 5. This local law shall become effective upon the filing thereof with the Secretary of State of the State of New York.

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With no further matters to discuss, and upon motion made by Kimberley Payne and seconded by Ted Necarsulmer, the meeting was adjourned at 4:45 P.M.

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Aimee Buhl, Village Clerk